

LABOUR DEPARTMENT

820

The 2nd August, 1967.

No. 6915-3-Lab-6/22276.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. IV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana in respect of the dispute between the workmen and management of M/s Jain Industrial Corporation, Railway Road, Rohtak.

BEFORE SHRI K. L. GOSAIN, PRESIDING OFFICER (ACTING AS ARBITRATOR)
INDUSTRIAL TRIBUNAL, HARYANA, CHANDIGARH

Reference No. 1 of 1966.

Between

The workmen and the management of M/s Jain Industrial Corporation, Railway Road, Rohtak.

Present :

Shri D. R. Gupta, for the
management.

Shri Shiv Narain Vats, for the
workmen

Arbitration Award

An Industrial Dispute having come into existence between the workmen and the management of M/s Jain Industrial Corporation, Railway Road Rohtak, the parties entered into an arbitration agreement referring the said dispute to my arbitration and the Punjab Government issued a Notification on 6th April, 1966, referring the said dispute to me for adjudication under section 10 (a) of the Industrial Disputes Act, 1947.

At the time, the reference was made I was acting as the Presiding Officer of the Industrial Tribunal, Punjab, but while the dispute was still pending my term expired there and I left the said job. On my appointment as the Presiding Officer of the Industrial Tribunal, Haryana, the case which remained pending all the time was sent over to me for further proceedings and I issued necessary instructions to the parties to appear before me and to have the matter arbitrated. In pursuance of the said notices both the parties led their evidence and their representatives also addressed their arguments to me. The various items of dispute are mentioned in details in the two demand notices served by the workmen on the management and they are dated 25th January, 1966 and 4th February, 1966. They have further been detailed in the statement of claims filed by the workmen. My findings on the various demands are as follows :

Demand No. 1—This demand relates to the termination of services of Om Parkash, Karan Singh, Hanwant Singh, Partap Singh, Balwan Singh and Sat Narain. The case of the management is that the first three of them were only apprentices and had been appointed for a fixed period, on the expiry of which they were discharged because of the fact that they were not found fit to be confirmed. The last three were dismissed after proper enquiries against them and after charges against them had been proved to the satisfaction of the Enquiry Officer and the management.

The management have produced Ex. R-1, R-2, and R-3, which are the orders appointing the three apprentices. They have also produced R-4, R-5, and R-6 which are the applications of the aforesaid persons for appointment as apprentices. These documents read with the evidence of Shri Harish Chander Jain, RW-1 leave no doubt in my mind that Om Parkash, Hanwant Singh and Karan Singh were appointed merely as apprentices and were discharged after completion of the said period. Their discharge is, in my opinion justified and in order.

Shri Balwan Singh has finally settled the matter with the management as per Ex-R. 11 and R. 12 and no relief can be given in respect of his dismissal. The management have produced the enquiry records R-6 and R-9 and they relate to Sat Narain and Partap Singh. The enquiry reports in both these cases are R-8 and R-10. Nothing has been shown to me against the said enquiry proceeding and no infirmity in them has been pointed out to me. Sat Narain has appeared as a witness but has not said a word about any infirmity in the enquiry held against him. In fact he has since been re-employed and is now working in the concern in question. Partap Singh has also appeared as a witness but has pointed out no infirmity in the enquiry against him and has on the other hand stated that no enquiry was held against him. This statement is obviously false in view of the record of the enquiry Ex. R-9 and report of the Enquiry Officer Ex. R-10. The demand regarding all these six workmen is accordingly dismissed.

Demand No. 2.—This demand relates to bonus for the year 1962-63, 1963-64 and 1964-65. The case of the management is that they have paid bonus in respect of the years 1963-64 and 1964-65 at the rate of 4%. It is rather curious that in the written statement this fact was not stated by the management. Shri Harish Chander Jain partner of the concern appeared as RW-1 and made the following statement—

“We have paid bonus for the years 1963-64, 1964-65 at the rate of 4% for each year. The entries of payment of bonus exist in our register which I have brought with me today”.

The workmen deny the receipt of this bonus. In any case there can be no dispute that the management have either paid bonus for these years or admit their liability to pay the same to the workmen. I, therefore, direct that the management shall pay bonus at the rate of 4% for the aforesaid two

years to all the workmen whom the same has not already been paid. Regarding the year 1962-63, the plea of the management is that the claim for bonus is belated. They have not shown to me that the accounts for that year were closed or that the profits had been distributed amongst the partners and I fail to understand how the claim is belated. The claim has, however, to be dismissed on the short ground that it is neither covered by the Payment of Bonus Act nor has any reliable evidence been led to prove that there was any available surplus out of which the management could be asked to pay the said bonus. The claim for bonus for this year is accordingly dismissed.

Demand No. 3

This demand relates to increase in wages being given to all the workmen. There is no evidence that the concern in question can bear the burden of the said increase. On the other hand the balance-sheet of the concern read with the evidence of R. W. 1 proves that the concern in question is not in a sound financial position. The claim is accordingly dismissed.

Demand No 4

This demand relates to supply of Dangri to the workmen twice a year. No evidence has been led to prove that such dangries are supplied in other factories of similar type in the Region. The demand is dismissed.

Demand No. 5

This demand relates to supply of one soap cake to each workman every week. To say the least the demand is fantastic and no evidence has been led to show any justification for the same. The demand is dismissed.

Demand No. 6

In this demand the workmen state that the management be required to designate each of them. The management has actually designated all the workmen as per Ex. R-13 and I cannot, therefore, require the management to do the same over again. If any of the workman has not been properly designated a dispute qua him can be specifically raised. In the present proceedings I cannot obviously go into the claim of each workman for a proper designation. The workmen will be entitled to raise specific demands on this point and have them adjudicated in accordance with law. The present demand is dismissed as being too vague and indefinite.

Demand No. 7

In this demand the workmen claim that they are not being paid wages according to the Minimum Wages Act and the notification issued by the Government under the said Act. The case of the management is that they are paying wages according to the said Act and Notification. No specific instances have been brought to my notice where the Act or Notification are not being complied with by the management. In absence of any material I can give no relief to the workmen in this respect and dismiss their demand.

Demand No. 8

In this demand the workmen complain that they are not paid overtime wages when they are asked to work overtime. R.W. 1 has stated that overtime wages are paid to the workmen whenever they are asked to work overtime. No specific instance has been brought to my notice in which the said wages were not paid. The demand is too vague and indefinite to enable me to give any relief to the workmen in this respect. The demand is accordingly dismissed.

No order as to costs.

Dated 25th July, 1967.

K. L. GOSAIN,

Presiding Officer,
Industrial Tribunal, Haryana
(Acting as Arbitrator),
Chandigarh.

No. 844, dated Chandigarh, the 27th July, 1967.

The award be submitted to the Secretary to Government, Haryana, Labour and Employment Department, Chandigarh, as required by Section 15 of the Industrial Disputes Act, 1947.

K. L. GOSAIN,

Presiding Officer,
Industrial Tribunal, Haryana
(Acting as Arbitrator),
Chandigarh.

No. 6912-3Lab-67/22286.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, in respect of the dispute between the workmen and management of M/s Government Engineering Workshop, Nilokheri (Distt. Karnal).

BEFORE SHRI K.L. GOSAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, CHANDIGARH

Reference No. 51 of 1967

between

THE WORKMEN AND THE MANAGEMENT OF GOVERNMENT
ENGINEERING WORKSHOP, NILOKHERI (DISTT. KARNAL)

Present:—

Shri V. P. S. Kashyap, for the management.

Shri Janak Raj, for the workmen.

AWARD

An Industrial Dispute having come into existence between the workmen and the management of Government Engineering Workshop, Nilokheri the same was referred for adjudication to this Tribunal under clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947,—vide Haryana Government Notification No. 187-SF-III-Lab-67/11111, dated 2nd May, 1967. The two items of dispute which are mentioned in the said notification are as under:—

- (1) Whether the dismissal of Shri Sat Pal with effect from 15th July, 1966, is justified and in order? If not, to what relief/exact compensation he is entitled to?
- (2) Whether suspension of Jagat Singh with effect from 22nd June, 1966, for 4 days is justified? If not, to what relief/exact compensation he is entitled to?

Usual notices were issued to the parties and in response to the same the workmen filed their statement of claims and the management filed their written statement to the same. The pleadings of the parties gave rise only to two issues which are precisely the same as the two items of dispute mentioned in the reference. The parties were called upon to lead their evidence in respect of the said issues. On the date fixed for recording of evidence, the union moved an application stating that the parties had mutually settled the dispute and as a result of this the union of the workmen had agreed to withdraw the demands giving rise to both the items of dispute. I recorded the statements of the General Secretary of the union as also of the General Manager of the Government Engineering Workshop, Nilokheri. In terms of the said settlement, the demand covered by the two items of dispute are dismissed as having been withdrawn. No order as to costs.

Dated 24th July, 1967.

K. L. GOSAIN,

Presiding Officer,

Industrial Tribunal, Haryana,
Chandigarh.

No. 845, dated Chandigarh, the 27th July, 1967

The award be submitted to the Secretary to Government, Haryana, Labour and Employment Department, Chandigarh, as required by section 15 of the Industrial Disputes Act, 1947.

K. L. GOSAIN,

Presiding Officer,

Industrial Tribunal, Haryana,
Chandigarh.

The 7th August, 1967

No. 7127-3Lab 67/22778.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workmen and management of M/s Latex Industries (P) Ltd., Ballabgarh.

BEFORE SHRI P. N. THUKRAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK

Reference No. 40 of 1967

between

THE WORKMEN AND THE MANAGEMENT OF M/S LATEX INDUSTRIES (P) LTD.,
BALLABGARH

Present...

Nemo for the workmen.

Shri T. C. Gupta, on behalf of the management.

AWARD

Shri Hukam Chand Mongia, was employed as an Accountant by M/s Latex Industries (P) Ltd., Ballabgarh. His services were terminated which raised an industrial dispute. The Government of Haryana in exercise of the powers conferred by clause (c) of sub-section (1) of Section 10 read with proviso to that sub-section of the Industrial Disputes Act, 1947, referred the dispute to Labour Court,—vide gazette notification No. 189-SF-III-Lab-67, dated 21st April, 1967.

The dispute referred to this Court as under :—

Whether the termination of the services of Shri Hukam Chand Mongia, Accountant, was justified and in order? If not, to what relief/exact compensation is he entitled?

On receipt of this reference a notice was given to the parties calling upon to file their statement of claim and rejoinder to the same on 29th May, 1967, at Ballabgarh. Notices were duly served. No body appeared on behalf of the workmen. Shri B. S. Sodhi, appeared on behalf of the management. Proceedings under rule 22 of the Industrial Disputes (Punjab) Rules, 1958 were taken against the workmen and the management was directed to produce their evidence in this Court on 30th June, 1967. This date was subsequently changed to 29th July, 1967. On the date fixed no body appeared on behalf of the workmen. Shri T. C. Gupta, appeared on behalf of the management. He produced Shri R. C. Kholi, Accountant of the respondent firm. Shri Kholi has stated that Shri Hukam Chand Mongia, was appointed on temporary basis on 15th July, 1966, for the purpose of clearing the arrears. It was found that he did not know how to keep accounts. There was cutting of the figures and totals were also incorrect. Thus his work was unsatisfactory and so he was paid his salary and his services were terminated on 31st July, 1967. In view of the statement of Shri R. C. Kholi, it cannot be said that the termination of services of Shri Hukam Chand Mongia, was not in accordance with the law. Thus there is no force in the claim of the workmen that the termination of his services was not justified. The claim is dismissed. No order as to costs.

P. N. THUKRAL,

Camp Ballabgarh :

Presiding Officer,

Dated 29th July, 1967.

Labour Court, Rohtak.

No. 1215, dated Rohtak, the 31st July, 1967

The award is submitted to the Secretary to Government, Haryana, Labour and Employment Department, Chandigarh, in quadruplicate as required under Section 15 of the Industrial Disputes Act, 1947.

P. N. THUKRAL,

Presiding Officer,
Labour Court, Rohtak.

No. 7128-3-Lab-67/22780.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workmen and management of M/s Gedore Tools (India) Ltd., Faridabad :—

BEFORE SHRI P. N. THUKRAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK

REFERENCE No. 39 OF 1967

BETWEEN THE WORKMEN AND THE MANAGEMENT OF M/S GEDORE TOOLS
(INDIA) LTD., FARIDABAD

Present.—

Nemo for the workmen.

Shri J. P. Chaturvedi, on behalf of the management.

AWARD

Shri Darshan Lal Kumar, was employed as welder by M/s Gedore Tools (India) Ltd., Faridabad. He was found guilty of negligence in the discharge of his duties and his services were dispensed with after due enquiry. The worker claims that his dismissal is *malafide* and, therefore, he claims that he may be reinstated with full back wages. This raised an industrial dispute. The Government of Haryana in exercise of the powers

conferred by clause (c) of sub-section (1) of section 10 read with proviso to that sub-section of the Industrial Disputes Act, 1947, referred the dispute to Labour Court,—vide gazette notification No. 174-SF-III-Lab-67, dated 3rd April, 1967.

The dispute referred to this Court as under :—

Whether the dismissal of Shri Darshan Lal Kumar, was justified and in order? If not, to what relief/exact compensation is he entitled?

On receipt of the reference a notice was given to the Secretary, General Engineering Mazdoor Union on behalf of the workmen and the employer M/s Gedore Tools (India) Ltd., Faridabad calling upon them to file a statement of claim and a rejoinder to the same. A statement of claim was filed on behalf of the workman. It was alleged therein that Shri Darshan Lal Kumar, was dismissed wrongfully and unjustifiably and the enquiry conducted in his case was in utter disregard of the principles of natural justice. It was claimed Shri Darshan Lal, may be reinstated with continuity of service with full back wages. The management filed a written statement denying the claim of the workman.

When the case came up for hearing before this Court today no one was present on behalf of the workman. Shri J. P. Chaturvedi, appeared on behalf of the respondent management. He stated that the worker Shri Darshan Lal Kumar, had come to him personally on the 25th July, 1967 and he was given his pay and other dues in full and final settlement of the claim and the workman has no longer interested in pressing his claim for reinstatement. He also produced a copy of the letter bearing the signatures of the Secretary, General Engineering Mazdoor Union in which it is stated that the worker was not interested in pursuing his claim and wished to withdraw his reference. The claim is, therefore, dismissed. No order as to costs.

P. N. THUKRAL,

Presiding Officer,
Labour Court, Rohtak.

Camp Ballabgarh:
Dated 29th July, 1967.

No. 1216, dated Rohtak, the 31st July, 1967.

The award is submitted to the Secretary to Government, Haryana, Labour and Employment Department, Chandigarh, in quadruplicate as required under section 15 of the Industrial Disputes Act, 1947.

P. N. THUKRAL,

Presiding Officer,
Labour Court, Rohtak.

No. 7142-3Lab-67/22783.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workmen and the management of M/s Milhard Private Ltd., Industrial Area, Faridabad :—

BEFORE SHRI P. N. THUKRAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK

Reference No. 21 of 1967

between

THE WORKMEN AND THE MANAGEMENT OF M/S MILHARD PRIVATE LTD., INDUSTRIAL AREA, FARIDABAD

Present :

Shri Roshan Lal Sharma, on behalf of the workmen.

Shri S. L. Gupta, on behalf on the management.

AWARD

Shri Abdul Qadir was employed as a turner by M/s Milhard Private Ltd., Industrial Area, Faridabad, at Rs. 290/- P.M. His Services were terminated on 19th November, 1967. It is alleged that the termination of Services of Shri Abdul Qadir is not justified. This raised an industrial dispute and the Government of Haryana in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 read with proviso to that sub-section of the Industrial Disputes Act, 1947 referred the dispute to Labour Court,—vide Gazette notification No. 101-SF-3-Lab-67, dated 3rd March, 1967.

The dispute referred to this Court as under :—

Whether the termination of Services of Shri Abdul Qadir is justified and in order? If not, to what relief he is entitled?

On receipt of the reference a notice was given to the workmen Shri Abdul Qadir and the employer M/s Milhard Private, Ltd. Faridabad, calling upon them to file their statement of claim and rejoinder to the same. The workmen filed a statement of claim in which it was alleged that the termination of services of Shri Abdul Qadir was made without notice and it was illegal. It was, therefore, prayed that Shri Abdul Qadir may be got reinstated with full back wages. The respondent company filed a written statement. It was alleged therein that Shri Abdul Qadir has absented himself from duty from 13th October, 1966 to 21st October, 1966 without authority and he again absented himself from 26th October, 1966 onwards without permission. A registered notice was, therefore, given to him but this was also received back unserved. His services were duly terminated. My learned predecessor Shri Hans Raj Gupta framed the following issues :—

1. Whether the claimant Shri Abdul Qadir abandoned the services of the respondents and lost his lien on that service.
2. Relief.

The parties have compromised the case and have not led any evidence. The management has agreed to pay a sum of Rs. 626 to the worker Shri Abdul Qadir within 15 days and the worker has accepted this amount in full and final settlement of his dues and has given up his claim for reinstatement. This compromise is accepted and is hereby ordered that the management do pay a sum of Rs. 626 (Rs. Six hundred and twenty-six only) to the worker Shri Abdul Qadir within 15 days.

P. N. THUKRAL,

Presiding Officer,
Labour Court, Rohtak.

No. 1186, dated 31st July, 1967

The award is submitted to the Secretary to Government, Haryana, Labour & Employment Department, Chandigarh, in quadruplicate as required under Section 15 of the Industrial Disputes Act, 1947.

P. N. THUKRAL,

Presiding Officer,
Labour Court, Rohtak.

P. N. BHALLA,

Secretary to Government, Haryana,
Labour and Employment Department.

INDUSTRIES DEPARTMENT

The 5th August, 1967

N. 5007 51B-67//16933.—Whereas the Governor of Haryana is satisfied that land specified below needed by Government, at public expense, for a public purpose, namely, for setting up a Cotton and Textile Mills in village Khair Pur, tehsil Sirsa, district Hissar, it is hereby declared that the land described in the specification below is required for the aforesaid purpose.

This declaration is made under the provisions of section 6 of the Land Acquisition Act, 1894, to all whom it may concern and under the provisions of section 7 of the said Act, the Collector of Hissar District is hereby directed to take order for the acquisition of the said land.

Plans of the land may be inspected in the office of Collector of Hissar District.

SPECIFICATION

District	Tehsil	Village	Khasra Nos.	Area	
				Kanals	Marlas
Hissar	Sirsa	Khairpur	85/5/2	4	13
			85/6	5	4
			84/1/1	2	7
			84/10/2	3	14
			Total	15	18

P. N. BHALLA,

Industries and Supplies Commissioner,
and Secretary to Government, Haryana,
Industries and Food & Supplies Departments.